

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 10, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:08HD-136

HAWAII

Approval in Principle of Direct Lease to Kua O Ka La Public  
Charter School for School Purposes, Puna, Hawaii, Tax Map  
Key: (3) 1-3-6:14.

APPLICANT:

Kua O Ka La Public Charter School, whose business and mailing  
address is P.O. Box 1413, Pahoia, Hawaii 96778.

LEGAL REFERENCE:

Section 171-95(a)(2) and 95.5, Hawaii Revised Statutes, as  
amended.

LOCATION:

Government lands situated at Opihikao Village, Puna, Hawaii,  
identified by Tax Map Key: (3) 1-3-6:14, as shown on the attached  
map labeled Exhibit A.

AREA:

3.566 acres, more or less.

ZONING:

State Land Use District: Agriculture  
County of Hawaii CZO: AG-10

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO   x  

CURRENT USE STATUS:

Vacant.

CHARACTER OF USE:

School purposes.

LEASE TERM:

Sixty-five (65) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

To be determined upon final submittal to the Land Board upon satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended.

METHOD OF PAYMENT:

Semi-annual payments, in advance.

RENTAL REOPENINGS:

To be determined upon final submittal to the Land Board upon satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended.

PERFORMANCE BOND:

Twice the annual rental amount.

PROPERTY CHARACTERISTICS:

Utilities - Electricity is available.  
Slope - 3 to 25%  
Elevation - 455 to 480 feet above sea level  
Rainfall - 60" to 90" annual median  
SCS Soil Series - **Malama Series:** Malama extremely stony (rMAD) traditionally used for woodland, pasture and orchard. **Opihikao Series:** Opihikao extremely rocky muck (rOPE) traditionally used for pasture or in native forest.  
Land Study Bureau - **C178** has a productivity rating of "c" for vegetable, sugarcane, orchard and grazing and "d" for forage. **D62** has a productivity rating of "d" for vegetable, sugarcane and grazing and "e" for forage. The parcel appears to have more area in D62.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This is a request for the Land Board's approval in principle of a lease to Kua O Ka La Public Charter School and for Kua O Ka La Public Charter School to comply with Chapter 343, Hawaii Revised Statutes, as amended.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>  x  </u>	NO	<u>      </u>
Registered business name confirmed:	YES	<u>  x  </u>	NO	<u>      </u>
Applicant in good standing confirmed:	YES	<u>  x  </u>	NO	<u>      </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Prepare and process, at its own cost, all necessary studies and documentation for compliance with Chapter 343, Hawaii Revised Statutes, as amended.

REMARKS:

The subject property is currently vacant. We have no records of any past dispositions.

The current zoning is agriculture.

Applicant qualifies for a direct lease pursuant to Section 171-95(a)(2) and 95.5, Hawaii Revised Statutes, as amended. Charter signed by Governor, Chairperson of the Board of Education and Superintendent of Education in June 2000.

The school is in the process of hiring a consultant to prepare the environmental assessment, and if necessary, any other approvals. The site plan for the property is still in the early stages of development. Due to the growing needs of the community, the educational facility at Pu'ala'a needs to include Kindergarten to 12th grade.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

If Land Board approval in principal is obtained, the Kua O Ka La Public Charter School will pursue compliance with Chapter 343, Hawaii Revised Statutes, as amended and incorporate agencies and community comments.

RECOMMENDATION: That the Board:

1. Approve in principle, a new direct lease to Kua O Ka La Public Charter School, subject to the following:
  - A. At its own cost Kua O Ka La Public Charter School shall

pursue satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, and obtain a finding of no significant impact (FONSI) within twenty-four (24) months of the Land Board's approval;

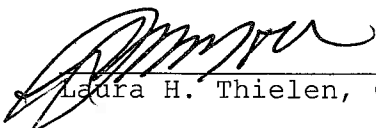
- B. Should Kua O Ka La Public Charter School fail to obtain satisfactory compliance with Chapter 343, Hawaii Revised Statutes, as amended, within twenty-four (24) months, the Land Board's approval shall be considered rescinded;
- C. Kua O Ka La Public Charter School acknowledges the following:
  - i) All costs associated with the necessary compliance with Chapter 343, Hawaii Revised Statutes, as amended, shall be borne by Kua O Ka La Public Charter School;
  - ii) That this action is an approval in principle and does not provide any assurance of a direct lease and such approval of a direct lease shall be subject to consideration by the Land Board under a separate action after satisfactorily complying with Chapter 343, Hawaii Revised Statutes, as amended;
  - iii) That there has been no representations or assurance made regarding the annual rent to be paid under a direct lease. Kua O Ka La Public Charter School agrees to provide a proposal for rent and justification for such rent in connection with the Land Board's final consideration of a direct lease after satisfactorily compliance with Chapter 343, Hawaii Revised Statutes, as amended.
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki  
Assistant Administrator

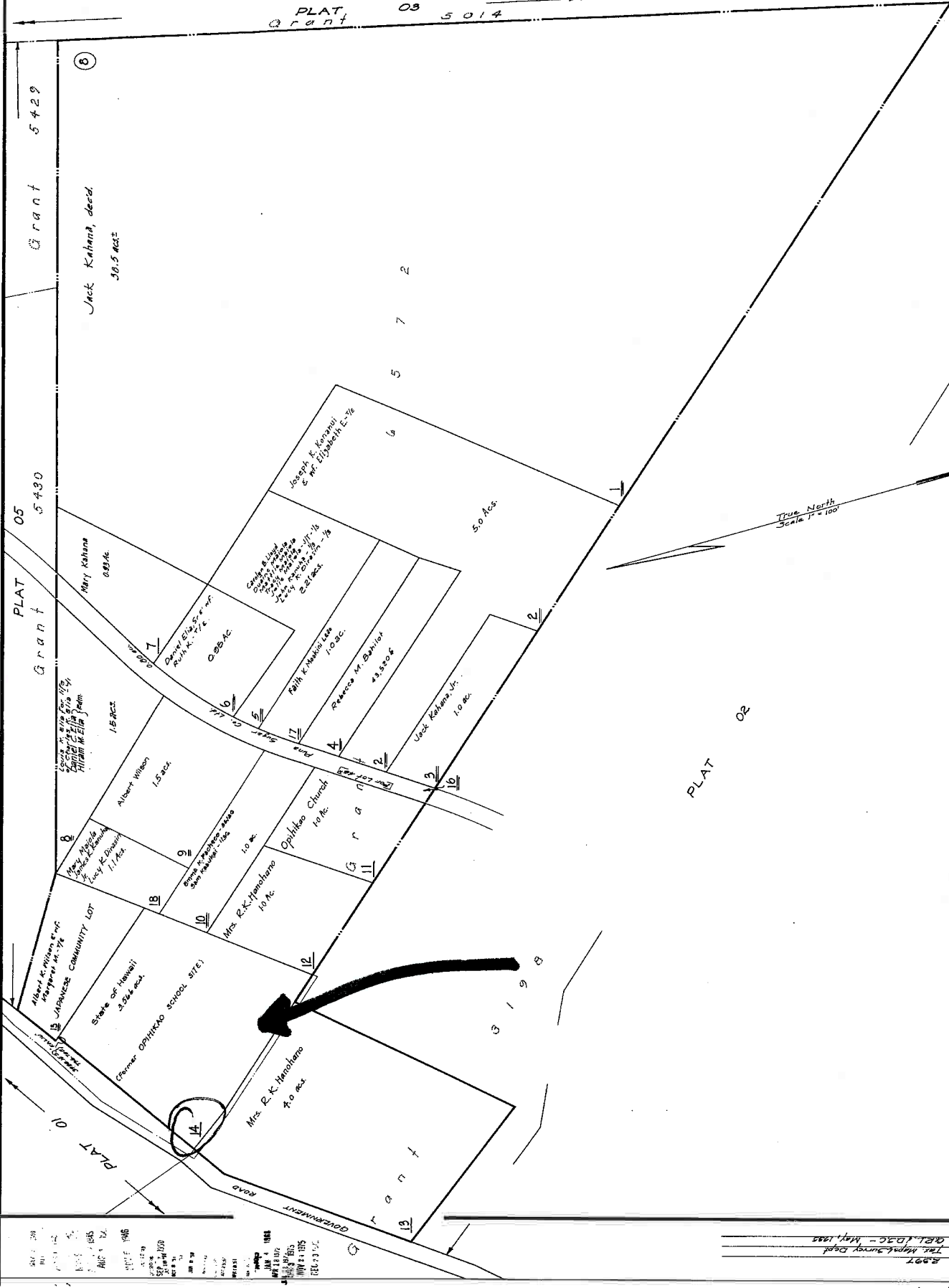
APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



1 3 06



THIRD	DIVISION
1	3
ZONE	SEC.
1	3
PLAT	PARCELS
06	100

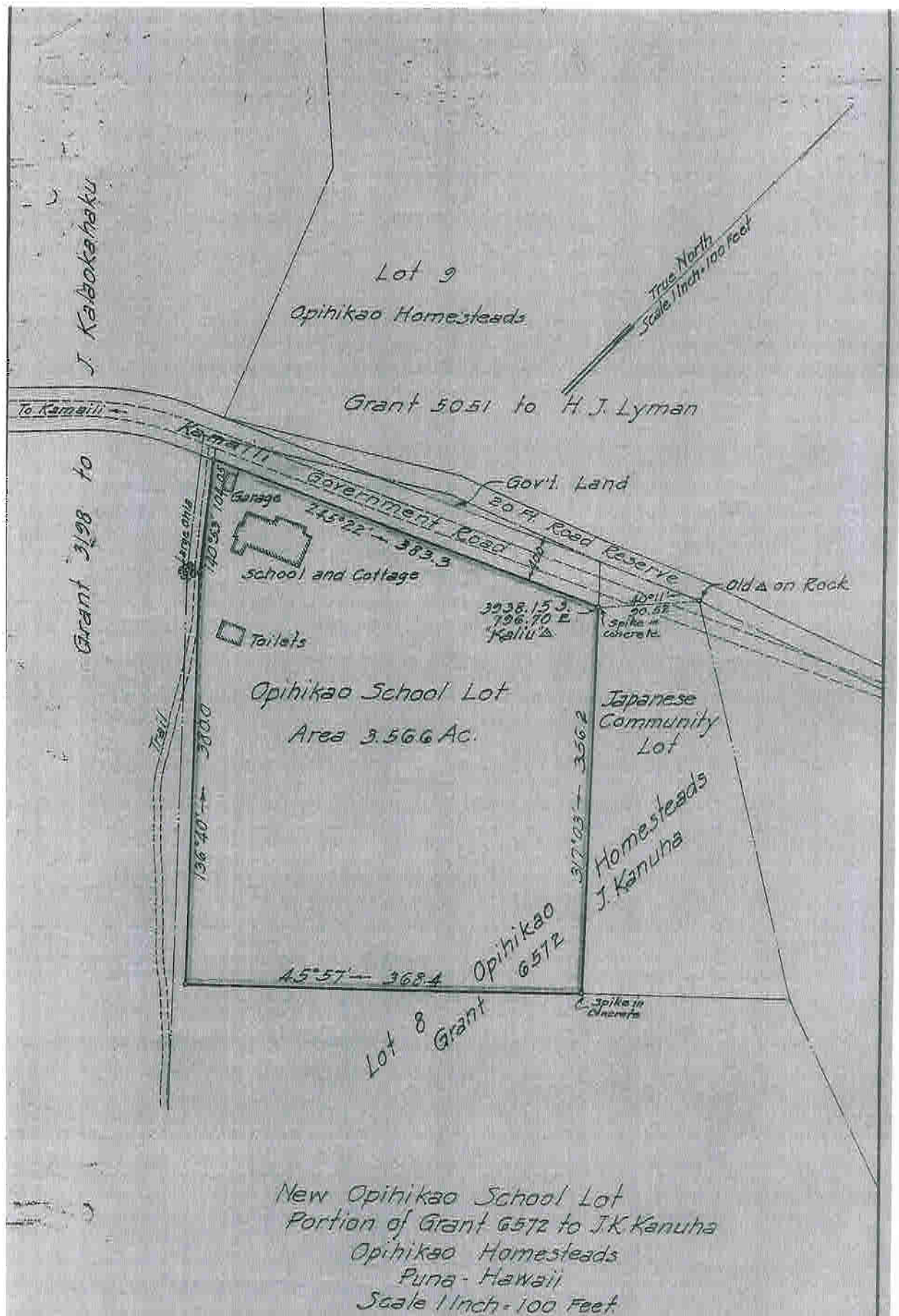
ADVANCE SHEET  
SUBJECT TO CHANGE

PRINTED

For: OPIHIKAO VILLAGE, PUNA, HAWAII.

Dwg. No.: 1227  
Source: T.S. Map, Survey Map  
Date: 1955 - May, 1955

EXHIBIT "A"





# Kua O Ka La PCS

PO Box 1413 Pahoa, Hawaii 96778 Tel: 808-965-5098 email: kuokala@ihawaii.net

RECEIVED  
LAND DIVISION

2008 AUG -5 P 3:29

Department of Land and Natural Resources  
Oahu District Branch  
1151 Punchbowl Street, Room 220  
Honolulu, Hawaii 96813  
Attention: Charlene

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

July 31, 2008

Re: TMK: 1 3 06 14  
Puna, Hawaii Island

Aloha!

Kua O Ka Lā Public Charter School received its Charter in 2000 as a result of successfully operating programs through our non-profit Ho'oulu Lahui for over 8 years. We opened our doors with grade 6-8 and then added a grade every year. Two years ago we had our first graduation and began to realize that we need to begin earlier with our youth as much of our time has been spent on intervention and "catching the kids up". As a result of this situation the Kua O Ka Lā PCS Board of Directors submitted and received approval to change its Detailed Implementation Plan Contract with the State of Hawai'i to address grades K-12 education instead of grades 6-12. This amendment was approved on February 14, 2008.

We have worked closely with Kahu John Makuakane of Opihikao Church and our community who have suggested that we host the Elementary School at the old Department of Education school site in Opihikao, known formerly as Opihikao Elementary School. The land remains vacant and the surrounding community is very receptive to this idea. Currently, the Elementary School will be located at the Opihikao Church Hall but we will soon outgrow these facilities.

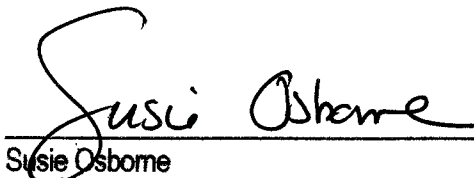
As a result of this we are submitting the documents for your review and in request of beginning the process of securing the property and the necessary permit procedures resulting in the operation of Kua O Ka La Public Charter Elementary School. We thank you for your consideration of support and we look forward to your guidance in this matter.

If you have any questions or concerns, please do not hesitate to contact me at 808 965-5098.

Mahalo nui loa,



Keikialoha Kekipi  
Board President, Kua O Ka Lā PCS



Susie Osborne  
Principal, Kua O Ka La PCS

EXHIBIT "B"

## **APPLICATION AND QUALIFICATION QUESTIONNAIRE**

(Non-Profit)

Write answers in the spaces provided. Attach additional sheets as necessary, clearly indicating the applicable section number.

### **Part I: General Information**

1. Applicant's legal name: Kua O Ka La Public Charter School
2. Applicant's full mailing address: P.O. Box 1413 Pahoa, HI 96778
3. Name of contact person: Susan Osborne  
Contact person Phone No.: 808 965-5098 Fax No.: 808 965-9618
4. Applicant is interested in the following parcel:  
Tax Map Key No.: 1 3 06 14 Location: Formerly Opihikao school site  
If Applicant is current lessee: General Lease No.: \_\_\_\_\_
5. When was Applicant incorporated? We have a non profit support organization but we are applying through our Charter School.  
Attach the following:
  - A. Articles of Incorporation
  - B. Bylaws
  - C. List of the non-profit agency's Board of Directors
  - D. IRS 501(c)(3) or (c)(1) status determination
  - E. Tax clearances from State of Hawaii and respective county Real Property Tax Office.
  - F. Audited financial statements for the last three years. If not audited, explain why.  
If Applicant is a new start-up, attach projected capital and operating budgets.
  - G. Any program material which describes eligibility requirements or other requirements to receive services

### **Part II: Qualification**

7. Is Applicant registered to do business in Hawaii: EDUCATION Yes/
8. Has Applicant received tax exempt status from the Internal Revenue Service? Yes/
9. Is Applicant licensed or accredited in accordance with federal, State or county statutes, rules, ordinances, to conduct the proposed activities? Yes/

List all such licenses and accreditations required:

We received our State Charter Contract in June 2002

10. Is Applicant in default or otherwise not in good standing with any State department (e.g. POS agency, DCCA, DLNR, etc.)? /No

If yes, explain:



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11. Has Applicant had a State of Hawaii lease, permit, license, easement or sale in fee cancelled within the last five years? If yes, list: /No

<u>Doc. No.</u>	<u>Type of Agreement</u>	<u>Term of Agreement</u>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
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12. Does Applicant have any policies which discriminate against anyone on the basis of race, creed, color, national origin, sex or physical handicap? /No

If yes, explain:

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13. Has Applicant received funding from a federal, State, or county government agency, the Aloha United Way, and/or a major private foundation within the last three years? Please list all such contracts below: Yes/

<u>Agency</u>	<u>Contract Term</u>	<u>Contract Amount</u>
State Department of Education	No term	\$ Per pupil amount that changes annually.
<hr/>	<hr/>	\$ <hr/>
<hr/>	<hr/>	\$ <hr/>
<hr/>	<hr/>	\$ <hr/>
<hr/>	<hr/>	\$ <hr/>
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14. If Applicant has not received funding from a federal, State or county government agency, the Aloha United Way and/or a major private foundation during the past three years, describe Applicant's qualifications to effectively perform the proposed services, including but not limited to, grants or subsidies received from non-major, private fundors and/or staff or Board members who possess significant experience in Applicant's service field.

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**Part III: Program Activities and Persons to be Served**

15. What activities will be conducted on the premises to be leased?

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Charter School Elementary School K-5

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16. What are the specific objectives of these activities?

Provide a public school education to our community through a Charter School

17. Describe the community need for and the public benefit derived from these activities.  
Puna is the fastest growing District in the State. Currently we have been serving our community through grade 6-12 at Pu'ala'a but we have determined that we need to begin with Kindergarten in order to capture the educational needs of our youth. We will be a very small school that will not have a big impact on the surrounding community.
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18. Describe the targeted population for these activities by: 1) age group, 2) gender, 3) ethnic background, 4) income level, 5) geographic location of residence, 6) special needs/disability, and 7) other applicable characteristic(s).

**Age group**

Year One K -1 age 5-7 Add a grade level every year to grade 5

Gender: Male and Female

Ethnicity Predominately Hawaiian but all welcome

Income level Dependant on family but current income level of existing students = 90% eligible for free and reduced lunch

Geographic Puna

Special needs Some special education students will attend

19. Describe all eligibility requirements of clients to participate in the activities, e.g. age, income level, ethnic background, income level, disability, etc.

None, we are a public school

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20. Do you require membership to participate in these activities?

/No

If yes, list the requirements of becoming and remaining a member:

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21. How many unduplicated persons will engage in the activities annually?

Activity

Persons Per Year

School will be 5 days a week

Year one      20 students      4 staff

Year two      30 students      5 staff

Year three      45 students,      6 staff

Year four      60 student      , 7 staff

Year five      75 students      8 staff

22. Is State funding made available for the activities to be conducted on the leased premises?

Yes/~~No~~

If yes, by which State agency: Department of Education

23. List all activities to be conducted on the leased premises which require payment of excise taxes, e.g. subleasing, sale of products or services. Include an estimate of annual gross revenues from each activity.

N/A

Development of the Land

24. Describe the proposed site development plan for the property, indicating the location and size of buildings, parking areas, landscaped areas and related uses. Attach sketch of plan if available. Architect drawings will be developed and submitted to County Planning office and any other permits required will be addressed.

25. What improvements to the land do you intend to make and at what cost?

Construct elementary school

Cost estimate at 1 million \$

26. How will the improvements be funded?

Grant and corporate funding

27. Describe all environmental, land use and other permitting requirements which must be met to

develop the land as proposed.

Special Use Permit

28. Will you be subleasing any portion of the property? If yes, describe the sublease uses:

No

Part V: Notarized Certification

I/We hereby certify that the statements and information contained in this Application and Questionnaire, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, I/we may be disqualified from receiving a lease or my/our lease may be canceled.

Thomton Kekialoha Kekipi  
Applicant Name

Susan Osborne  
Applicant Name

By: Thomton Kekialoha Kekipi  
Its: Board President  
Date: 6/3/08

By: SUSAN OSBORNE  
Its: PRINCIPAL

Subscribed and sworn to before me this  
18 day of June, 2008.

Shelby Keane  
Notary Public

County of: Hawaii

State of: Hawaii

My commission expires: 2.18.11

L.S.

L.S.



